

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

In the Matter of the Public Advocates
Office's Investigation of Communications
Pertaining to the Wildfire Mitigation Plan
of Pacific Gas and Electric Company

(Not In A Proceeding)
Pub. Utils. Code § 309.5(e)

**MOTION OF THE PUBLIC ADVOCATES OFFICE
FOR ACCEPTANCE OF LATE RESPONSE TO
PACIFIC GAS AND ELECTRIC COMPANY'S (U 39 E)
MOTION TO SUPPLEMENT THE RECORD IN THE DISCOVERY DISPUTE
BETWEEN THE PUBLIC ADVOCATES OFFICE
AND PACIFIC GAS AND ELECTRIC COMPANY, NOVEMBER 2021;
DECLARATON OF CAROLYN CHEN; [PROPOSED] RULING**

CAROLYN CHEN

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March 2, 2022

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Pursuant to Public Utilities Code Section 309.5(e), the Chief Administrative Law Judge's December 20, 2021 email,¹ and the assigned Administrative Law Judge's (ALJ's) January 26, 2022 email,² the Public Advocates Office at the California Public Utilities Commission (Cal Advocates) submits this motion for acceptance of late response to Pacific Gas and Electric Company's [PG&E] (U 39 E) Motion to Supplement the Record in the Discovery Dispute Between Public Advocates Office and Pacific Gas and Electric Company, November 2021 (PG&E or PG&E's Motion).

On February 3, 2022, PG&E filed its motion to supplement the record³ pursuant to authorization granted by ALJ Regina DeAngelis on January 26, 2022. On January 26,

¹ On December 20, 2021, the Chief Administrative Law Judge issued a referral of this Section 309.5(e) matter to Administrative Law Judge Regina DeAngelis with instructions.

² On January 26, 2022, the ALJ responded in an email to PG&E's email request for permission to submit into the record its proposal to resolve the discovery dispute between the Public Advocates Office at the California Public Utilities Commission (Cal Advocates) and PG&E, with an instruction for PG&E to submit the request in a motion. In the email, the ALJ stated Cal Advocates would be given an opportunity to respond to such a motion by PG&E. Hereinafter, this email will be referred to the ALJ's January 26, 2022 email.

³ PG&E Motion.

2022, the ALJ responded to PG&E’s email request for permission to submit into the record its proposal to resolve the discovery dispute between Cal Advocates and PG&E (Proposal), with an email directing PG&E to submit its request in a motion. In the email, the ALJ stated that Cal Advocates would be given an opportunity to respond to such a motion by PG&E. Cal Advocates did not submit a response within 15 days of February 3, 2022, due to Cal Advocates’ counsel’s (Counsel’s) inadvertently missing the PG&E motion in her email inbox. As discussed in the Declaration of Carolyn Chen, this response is being submitted as soon as reasonably practicable after Counsel discovered this oversight on March 1, 2022. Cal Advocates regrets the oversight and respectfully requests permission to submit its late response to the PG&E Motion.

A late filed response to the PG&E Motion is both necessary and appropriate under the circumstances. The PG&E Motion purports to speak to discussions PG&E had with Cal Advocates and a proposal to resolve the underlying and fully briefed discovery dispute.⁴ In order for the Commission to make an informed decision on the PG&E Motion, the Commission should ensure that both parties present their positions. Moreover, allowing Cal Advocates to submit its response to the PG&E Motion will not harm PG&E because PG&E has already submitted its Motion, which included the Proposal as an attachment. Furthermore, PG&E’s Motion states: “We also would not oppose Cal Advocates submitting into the record supplemental information regarding the meet and confer process and any proposal it would make to resolve this matter.”⁵ Finally, the ALJ is not statutorily or procedurally barred from using her discretion to continue dates for filings.

For the above reasons, Cal Advocates respectfully requests that the Commission grant Cal Advocates’ motion for acceptance of its late response to the PG&E Motion.

⁴ PG&E Motion, pp. 2-3.

⁵ PG&E Motion, pp. 3-4.

Respectfully submitted,

/s/ CAROLYN CHEN
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**DECLARATION OF CAROLYN CHEN
IN SUPPORT OF MOTION FOR ACCEPTANCE OF LATE RESPONSE**

I, Carolyn Chen, declare:

1. I am an attorney in the Legal Division of the California Public Utilities Commission (Commission).
2. I am the attorney of record representing the Public Advocates Office at the California Public Utilities Commission (Cal Advocates), in the matter, Not in a Proceeding Public Utilities Code Section 309.5(e) Discovery Dispute between Public Advocates Office and Pacific Gas and Electric Company [PG&E], November 2021 (Sec. 309.5(e) Discovery Dispute matter). This matter was initiated by the Motion of the Public Advocates Office for an Order Compelling Data Request Responses and Imposing Sanctions on Pacific Gas and Electric Company, filed November 30, 2021.
3. On February 3, 2022, PG&E served a motion to supplement the record (PG&E Motion) on the ALJ and parties, including Cal Advocates.
4. While the Commission's Rules of Practice and Procedure do not apply to this matter that is not in a proceeding, according to those rules, a party may submit a response to a motion within 15 days. 15 days from February 3, 2022 is February 18, 2022.
5. I did not see the PG&E Motion filed on February 3, 2022 due to inadvertence and the press of business, until March 1, 2022.
6. As soon as I became aware of the PG&E Motion, I acted as soon as feasible to rectify my oversight.

7. The Response to the PG&E Motion is being filed as soon as reasonably practicable after I became aware of my oversight.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Oakland, California on March 2, 2022.

Respectfully submitted,

/s/ CAROLYN CHEN
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[PROPOSED] RULING

Having reviewed the Public Advocates Office's Motion for Acceptance of Late Response to Pacific Gas and Electric Company's (U 39 E) Motion to Supplement the Record in the Discovery Dispute Between the Public Advocates Office and Pacific Gas and Electric Company, November 2021, and the arguments and supporting authority and evidence cited therein;

And, GOOD CAUSE APPEARING THEREFORE; the Motion of the Public Advocates Office For Leave to Respond to Pacific Gas and Electric Company's Motion is **GRANTED**.

IT IS SO ORDERED.

Dated _____

ADMINISTRATIVE LAW JUDGE